

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

JAMES BENECKE,

Defendant.

CASE NO. 2:23-cr-00108-LK

ORDER GRANTING MOTION
FOR TRAVEL AUTHORIZATION

This matter comes before the Court on Defendant James Benecke's Second Motion for Travel Authorization. Dkt. No. 34. Mr. Benecke moves for an order authorizing him to travel by airplane from Alaska to New York on or about May 12, 2024 through May 25, 2024. *Id.* at 1. Neither the Government nor United States Probation and Pretrial Services oppose Mr. Benecke's motion. Dkt. No. 35 at 2–3. The Court grants Mr. Benecke's request.

On July 5, 2023, a federal grand jury indicted Mr. Benecke with two counts of Abusive Sexual Contact in violation of 18 U.S.C. § 2244(b) and 49 U.S.C. § 46506(1) based on his conduct while aboard commercial flights in April and June 2023. Dkt. No. 1 at 1–2. He pleaded guilty to

1 one such count on April 3, 2024, and is scheduled for sentencing on July 17, 2024. Dkt. Nos. 27–
2 30, 33.

3 In July 2023, United States Magistrate Judge S. Kate Vaughan placed Mr. Benecke on
4 bond with special conditions that remain in effect. Dkt. Nos. 12, 14, 27. These special conditions
5 restrict Mr. Benecke’s travel to the District of Alaska and the Western District of Washington for
6 Court purposes only, and state that “[a]ny plane travel, other than for Court appearances, must be
7 approved by the Court.” Dkt. No. 14 at 1. He is also prohibited from “physical contact of any kind
8 with any person in an airport or on a plane” and must be accompanied by a chaperone while flying.
9 *Id.* If he is unable to be accompanied by a chaperone, he “must notify flight staff of the pending
10 charges[] prior to the flight.” *Id.*


11 In October 2023, Mr. Benecke first requested this Court’s authorization to travel outside
12 of the Districts of Alaska and Western Washington so that he could attend a military work event
13 with his wife. Dkt. No. 18 at 1–2. The Government opposed Mr. Benecke’s motion in light of the
14 nature and circumstances of the charges against him, and because the travel request was not related
15 to any Court proceeding. Dkt. No. 19 at 1–3. On October 31, 2023, the Court denied his motion
16 for similar reasons. Dkt. No. 21 at 3–4.

17 Mr. Benecke now seeks travel authorization “to attend a ‘once in a lifetime event’ where
18 [his] wife will be honored in a military ceremony” and “promoted to take command of an Army
19 company.” Dkt. No. 34 at 1; *see* Dkt. No. 34-1 at 2 (memorandum related to the “Change in
20 Command Ceremony”). He notes that when making travel arrangements to this district for his
21 change of plea hearing, he notified the airline of his criminal charges, paid “extra money so he
22 would be placed in an area with no other passengers sitting directly next to him,” and returned
23 home without delay. Dkt. No. 34 at 2. Mr. Benecke expects “that the same procedure will occur”
24 for his upcoming trip to New York.” *Id.*

1 Although the Government “remains concerned about Benecke’s history of abusive conduct
2 on airplanes,” it does not oppose his request. Dkt. No. 35 at 2. The Government notes that Mr.
3 Benecke “demonstrated his ability to comply with the special conditions of his appearance bond
4 during his unsupervised flight to Seattle for his change of plea hearing,” and that his counsel has
5 indicated that he “will purchase two tickets for his flight to and from Syracuse to ensure that he
6 cannot be seated directly next to another passenger.” *Id.* In addition, the Government represents
7 that United States Probation and Pretrial Services has reviewed the request and does not object as
8 long as Mr. Benecke “meets all of the conditions of his appearance bond, including providing his
9 flight itinerary to Pretrial Services, avoiding any physical contact with anyone on the airplane, and
10 notifying flight staff of his criminal case.” *Id.* at 2–3.

11 After careful consideration of the record before it, the Court finds that Mr. Benecke’s
12 proactive coordination with the airline and compliance with his appearance bond can mitigate the
13 risks associated with his travel request in this instance. Accordingly, the Court GRANTS Mr.
14 Benecke’s motion. Dkt. No. 34. Mr. Benecke may travel to the proposed event on or about May
15 12, 2024 and return on or about May 25, 2024, subject to his coordination with United States
16 Probation and Pretrial Services as to the exact travel dates. Mr. Benecke must meet all of the
17 conditions of his appearance bond, including but not limited to providing his flight itinerary to
18 United States Probation and Pretrial Services, avoiding any physical contact with anyone on the
19 airplane, and notifying flight staff of his criminal case.

20 Dated this 2nd day of May, 2024.

21 

22 Lauren King
23 United States District Judge
24